

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

CHRISTOPHER MICHAEL MCKENZIE

Petitioner,

v.

WARDEN WALTER BERRY,

Respondent.

CIVIL ACTION NO.: 6:16-cv-48

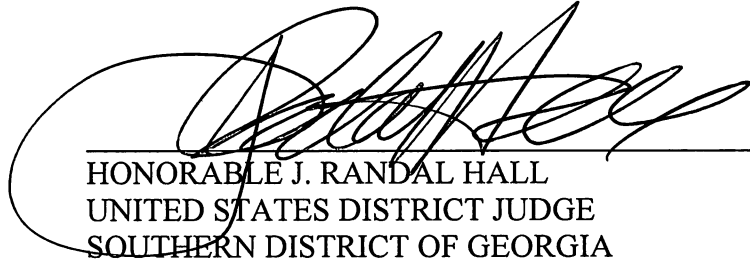
ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, (doc. 24), to which Christopher McKenzie ("McKenzie") filed Objections. In his Objections, McKenzie asserts that, once he learned of his attorney's ineffective assistance in 2014, he began pursuing his rights diligently. (Doc. 25, p. 1.) However, McKenzie knew of or should have known of the facts underlying his ineffective assistance of counsel claims no later than November 10, 2011, which was the date of his conviction and sentence. McKenzie offers no explanation why he waited nearly three years after his conviction became final on December 10, 2011, to file a state habeas corpus petition on October 22, 2014, nor does McKenzie otherwise show that he was pursuing his rights diligently prior to that filing. The Court **OVERRULES** McKenzie's Objections.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **GRANTS** Respondent's Motion to Dismiss, (doc. 14), **DISMISSES** McKenzie's 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus, **DIRECTS** the

Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** McKenzie *in forma pauperis* status on appeal and a Certificate of Appealability.

SO ORDERED, this 7th day of March, 2017.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA